

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

OCT 18 2011

JULIA C. DUDLEY, CLERK  
BY:  DEPUTY CLERK

United States of America )

v. )

Harvey Lee Davis )

Case No: 5:02cr30020-5

USM No: 07655-007

Date of Previous Judgment: 04/07/2008 )

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 168 months is reduced to 140\*.

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31

Amended Offense Level: 29

Criminal History Category: V

Criminal History Category: V

Previous Guideline Range: 168 to 210 months

Amended Guideline Range: 140 to 175 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.  
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
☐ Other (explain):

## III. ADDITIONAL COMMENTS

\*Defendant's term of imprisonment is reduced to 140 months, but not less than time served.

Except as provided above, all provisions of the judgment dated 04/07/2008 shall remain in effect.

IT IS SO ORDERED.

Order Date: 10/18/2011

  
 Judge's signature

Effective Date: 11/01/2011  
 (if different from order date)

Samuel G. Wilson, United States District Judge  
 Printed name and title